

REMARKS

Claims 1-7 are currently pending in the application. New claims 8-12 are presented for consideration.

Claims 2 and 3 stand rejected under 35 USC §112 as allegedly being indefinite for failing to particularly point out and distinctly claim the invention. The preambles of claims 2 and 3 have been changed to address the alleged problem .

Claims 1-7 stand rejected under 35 USC §102 as allegedly anticipated by U.S. Patent No. 6,358,160 (Winskowicz).

Reconsideration of the rejection of Claims 1-7 and favorable consideration of claims 8-12 are requested.

As explained in applicant's specification, one goal of the invention is to avoid the re-selling of golf balls that have been recovered, as from water holes on a golf course. Winskowicz identifies the problem that exists with respect to these recovered golf balls but approaches the solution to resale in a completely different manner. That is, as pointed out by Winskowicz in column 1, as cited by the Examiner, golf balls lose "carry" as an incident of being immersed in water for as little as eight (8) days (see column 1, lines 24-34). While the applicant does not have any way of verifying that this data is entirely accurate, the issues at hand can be addressed in a broader sense and do not depend upon the accuracy of this data.

More specifically, applicant's invention, and that in Winskowicz, are concerned about the problem of the re-use of a golf ball that has been recovered from a water hazard in which it has been immersed. While the data in column 1 of Winskowicz demonstrates that the carry of golf balls does change after being immersed in water for as little as eight

(8) days, this performance change would not be detectably different to a golfer. For example, while a difference of six (6) yards of carry, resulting from striking a) a new golf ball and b) a golf ball of like construction immersed in water for eight (8) days, can be measured, this difference would not be detectable to a golfer, regardless of his/her skill level. This is true of a loss of carry of fifteen (15) yards, noted by Winskowicz to occur after six months.

In short, the used golf ball industry has flourished because golfers cannot detect this relatively small loss in carry resulting from immersion of the golf balls for as long as six (6) months. Golf balls can be recovered from lakes and will appear to be relatively new on the exterior. However, those using these golf balls will unknowingly be losing carry.

Winskowicz avoids this problem by giving a visual indication that a ball has been exposed continuously to water for "1 to several days" (see column 2, lines 4-9). In that same passage, Winskowicz acknowledges that the need for this visible indicator is to alert golfers to potential changes in ball properties resulting from water exposure, thereby implicitly recognizing that they would not be able to detect the change in properties in the absence of the visible indicator.

Applicant's approach to alerting the golfer of the immersion is to cause the golf ball to change in a relatively short period of time to have altered performance characteristics that are detectable to a golfer. The change in characteristics could be evidenced by a drastic change in carry or an abnormal ball flight. Essentially, what applicant's claimed invention does is cause degradation of a golf ball that is immersed in water more rapidly than would occur with a conventional golf ball over time. Winskowicz, on the other hand, does not speed degradation, but only gives to a user a visible sign to evidence immersion.

There may be a practical market for Winskowicz' golf balls even after they have evidenced immersion. On the other hand, applicant's claimed invention may be carried out to the point that after immersion for a certain period of time, the balls cannot practically be used for playing golf. Various rates of degradation can be built in with different degrees of overall degradation contemplated.

Claim 1 has been amended to characterize the changed performance characteristics as detectably different to a golfer. It is also clarified by amendment that the change in state does not occur before the specified time period – more than two days but less than one hundred eighty days.

As noted above, Winskowicz does not teach or suggest a structure through which this method can be performed. Winskowicz does not cause a change in performance characteristics of a golf ball. Winskowicz' discussion in column 1 is relative to a conventional golf ball that, based upon the statistics set forth by Winskowicz, would not have changed characteristics in performance determinable by a golfer through striking the ball, with the immersion less than 180 days.

Further, according to claim 1, the golf ball does not have degradation, detectable to a golfer, upon being immersed for the time period claimed – more than two days and less than one hundred eight days. This makes the golf ball with which the method is practiced useable in wet conditions during normal playing without compromising performance.

Claims 2, 3 and 8 change the upper level in the time period at which degradation occurs that is detectable to a golfer through identification of performance characteristic change.

Claim 4 has been amended to characterize the performance characteristic change as detectably different to a golfer as an incident of striking the golf ball with a golf club.

The arguments advanced relative to claim 1 apply also to claim 4, and Claims 5-7, which depend cognately from claim 4.

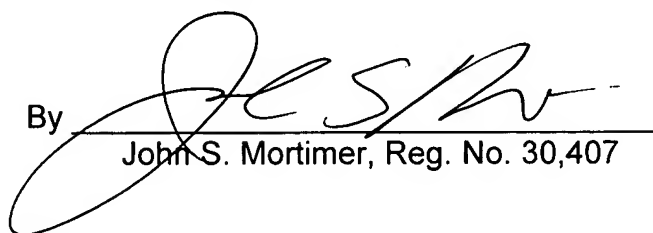
Claims 9 and 10 depend respectively from Claims 1 and 4 and characterize the second performance characteristic as such that it is impractical to use the golf ball to play golf with the second performance characteristic. This more clearly delineates the claimed invention from the prior art.

Claims 11 and 12 each depend from claim 1 and further delineate the claimed method over the cited art.

Reconsideration of the rejection of claims 1-7, favorable consideration of new claims 8-12, and allowance of the case are requested.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "J S Mortimer", written over a horizontal line.

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